REMARKS

Reconsideration of the above-referenced application is respectively requested in view of the above amendments and these remarks. Claims 1-13 and 15-17 are currently pending. Claim 14 has been canceled without prejudice.

The Specification is objected to because the reference to related cases does not include application numbers. Applicant has amended the Related Cases section to include the appropriate application numbers. Applicant requests that this objection be withdrawn.

Claims 2-6, 8, 13, and 16-17 are objected to as including the informality of reference characters DLID without properly defining the characters. Applicant has amended independent claims the appropriate dependent claims such that the first use of the reference characters DLID is defined as a Destination Location Identifier. Applicant therefore requests that the objections be withdrawn.

Claims 2, 4-6, 8, 12-13 and 16-17 are rejected under 35 U.S.C. § 112, second paragraph, for containing a trademark, i.e. InfiniBand. Applicant has amended the rejected claims to delete the trademark InfiniBand. In view of the amendment to claims, Applicant respectfully submits that the claims comply with the requirements of Section 112, second paragraph and are suitably definite. Applicant therefore requests that the rejection under Section 112, second paragraph, be withdrawn.

Claims 8-12 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 5-9 of co-pending Application No. 10/721,213. In addition, claims 8-17 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 9-18 of co-pending Application No. 10/722,022. Applicant notes these provisional rejections are just that, provisional, and will respond when and if the rejections are finalized.

Claims 1 and 3 are rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 6,400,681 B1 to Bertin et al. Applicant has reviewed the cited reference and respectfully traverses the rejection as Bertin does not disclose each and every limitation of independent claim 1. In particular, Bertin does not disclose a

connection controller that includes a packing algorithm to receive a requested traffic pattern and computes an actual traffic pattern for the packet using the network topology data and the requested traffic pattern *such that the network operates as a strictly non-interfering network*. Claim 1 is directed to a communication controller that includes a network topology cache that received network topology data, the packing algorithm coupled to receive the requested traffic pattern of a packet, where the algorithm computes the actual traffic pattern using the network topology data and the requested traffic pattern such that the network operates as a strictly non-interfering network and a logical network state entity to communicate the actual traffic pattern to a source corresponding to the packet. As defined in the Specification "a strictly non-interfering network" is a network that "the only queuing delays experienced by an admissible traffic pattern are attributable to the multiplexing of packets from slow links onto a faster link whose aggregate bandwidth at least equals the sum of the bandwidths of the smaller links. In a [strictly non-interfering network], competing traffic sources do not attempt to use the same network resources at the same time. The implementation of a [strictly non-interfering network] requires that resources be dedicated through the network in support of an active communication session. In order to accomplish this, non-blocking networks can be used." Page 5 lines 5-11.

Bertin is directed to a high speed packet switching network for minimizing the time to establish a connection between an origin and a destination node. A path calculated at the time the connection is requested is recorded in a Routing Database and updated each time a modification occurs in the network. Alternate paths for supporting non-disruptive path switch on failure or preemption, and new paths towards potential destination nodes can be calculated and stored when the connection set up process is idle.

The Office Action cites FIGs. 1 and 7 to suggest that Bertin discloses a strictly non-interfering network. Applicant traverses this interpretation of Bertin. FIG. 1 generally describes the call set up process developed by Bertin. The call set up process includes a "Path Selection process that a path and a set of connection request, one for each link of the path, using parameters provided by the Topology Database." Nothing about the Path Selection process disclosed describes a process that creates a strictly non-interfering network as required by the claim and defined by the Applicant. The citation

to FIG. 7 does not overcome this shortcoming. FIG. 7 together with FIGs. 8-11 also does not disclose the claimed strictly non-interfering network. FIG. 7 specifically states that the search path procedure ends if no path to a specific destination node can be found. FIG. 8 discloses a path computation procedure when no path to a specific destination node can be found, but in the process a link in other paths may no longer be operational. See column 19, lines 10-16. The descriptions of the Store Path Procedure, Alternate Path Computation Procedure, Potential Path Computation Procedure and Path Recomputation Procedure do not disclose that the network includes a connection controller that uses the network topology data to form a strictly non-interfering network. None of the procedures disclosed by Bertin meet the criteria required for the claimed strictly non-interfering network as defined by Applicant.

In view of the foregoing, Applicant respectfully submits that Bertin does not disclose each and every limitation of claim 1. Applicant therefore submits that claim 1 is not anticipated by Bertin for the reasons given above. As claim 3 depends upon claim 1, they also are not anticipated by Bertin for the same reasons. Applicant request that the rejection under Section 102(b) be withdrawn.

Claims 2, 4-6, 8, 10-14 and 16-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bertin in view of United States Patent Application Publication No. 2003/0033427 A1 to Brahmaroutu. Applicant has amended independent claims 8 and 13, canceled claim 14 and respectfully traverses the rejection. In particular, claims 8 and 13 have been amended to indicate that the network is a strictly non-interfering network. Applicant traverses the rejection as neither Bertin nor Brahmaroutu disclose the claimed strictly non-interfering network as required by any of the rejected claims.

Applicant's statements that Bertin does not disclose the claimed strictly non-interfering network are expressed above with respect to the Section 102(b) rejection and are repeated here. Applicant respectfully submits that Brahmaroutu also does not disclose a strictly non-interfering network. Brahmaroutu is directed to a mechanism to program forwarding tables for switches in a subnet of a switched fabric including at least a lost system, a target system and switches each having one or more ports interconnected via links for multipathing. Such a mechanism may be installed in a host system to determine all possible links between all ports on the subnet during topology discovery;

create an all port connectivity table which records all port-to-port connectivity information and create an all switch shortest paths table which records all the shortest paths between every switch pair on the subnet. Applicants review Brahmaroutu reveals that there is not description of a strictly non-interfering network. Brahmaroutu is focused on creating shortest paths through the network. In fact, Brahmaroutu acknowledges that the networks may be interfering. See Paragraphs 60-63.

In addition, Applicants note that paragraph [0022] of Brahmaroutu does not disclose that the network is a strictly non-interfering network or that the forwarding instructions create paths for a strictly non-interfering network. Brahmaroutu states in that paragraph that a large number of systems can communication with a large number of remote systems over the channels by allowing work queue pairs at source and destination end nodes to communicate with one another. In addition, this paragraph describes acknowledged channels that provide reliable transmission of messages, that separate channels for separate control flow and data flow may be desired and that any number of end nodes switches and link may be used for relaying data in groups of packets between the end stations and the switches. None of these statements made in Brahmaroutu disclose the intricacies and all the paths of a strictly non-interfering network as required by the claims. Moreover, paragraph [0022] does not disclose how the forwarding instructions would create the required strictly non-interfering network.

In view of the foregoing, Applicant respectfully submits that the combination of Bertin and Brahmaroutu does not disclose, teach or otherwise suggest that the forwarding table includes paths for a strictly non-interfering network or that the network operates a strictly non-interfering network as required by independent claims 8 and 13. Applicant therefore submits that claims 8 and 13 are patentable over the cited references. As claims 10-12 depend on claim 8 and claims 16-17 depend on claim 13, Applicant respectfully submits that these dependent claims are patentable Bertin and Brahmaroutu for the same reasons. With respect to claims 2 and 4-6, these claims depend upon independent claim 1, which is novel over Bertin for the reasons given above. Claims 2 and 4-6 include limitations to the forwarding tables and a strictly non-interfering network as those found at least in claim 9. Accordingly, Applicant respectfully submits that claims 2 and 4-6 are patentable over the cited references for the reasons given above to argue the differences

between the claims and Bertin and Brahmaroutu. Applicant requests that the rejection under Section 103(a) be withdrawn.

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bertin in view of United States Patent No. 5,940,389 to Yang et al. Claim 7 depends on claim 1. As claims 1 is novel over Bertin, Applicant respectfully submits that dependent claim 7 patentable over the cited combination of Bertin and Yang for the same reason. Applicant therefore requests that the rejection under Section 103(a) be withdrawn.

Claims 9 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bertin in view of Brahmaroutu in view of Yang. Claim 9 depends upon claim 8 and claim 15 depends upon claim 13. As claims 8 and 13 are patentable over Bertin in view of Brahmaroutu, Applicant respectfully submits that dependent claims 9 and 15 are patentable over the cited combination including Yang for the same reasons. Applicant therefore requests that the rejection under Section 103(a) be withdrawn.

As the Applicant has overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the Applicant contends that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the Applicant respectfully solicits allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Please charge any fees associated herewith, including extension of time fees, to **50-2117**.

Respectfully submitted,
Stewart, Mark Andrew Whittaker

SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department

Customer Number: **22917**

By: /Simon B. Anolick/

Simon B. Anolick
Attorney for Applicant
Registration No.: 37,585
Telephone: 847-576-4234
Fax: 847-576-3750